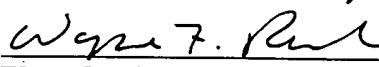


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellants: Schneiter et al.
Serial No.: 09/286,043 Group Art Unit: 2172
Filed: 04/05/1999 Examiner: Colbert, E.
Title: DATABASE SEARCH IN DISTRIBUTED COMPUTER SYSTEM ON
 PORTION OF REMOTE DATABASE

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Assistant Commissioner of Patents and Trademarks, Board of Patent Appeals and Interferences, Washington, D.C. 20231, on June 22, 2001.



Wayne F. Reinke
Attorney for Appellants
Registration No.: 36,650

Date of Signature: June 22, 2001.

To: Assistant Commissioner of Patents and Trademarks
 Board of Patent Appeals and Interferences
 Washington, D.C. 20231

Dear Sir:

APPELLANTS' APPEAL BRIEF TO THE BOARD OF
PATENT APPEALS AND INTERFERENCES

This is an appeal under 37 C.F.R. §1.191 and §1.192 from a final Office Action, dated October 30, 2000, of claims 1-48, comprising all the claims finally rejected. A Notice of Appeal was timely filed and received in the U.S. Patent and Trademark Office on April 30, 2001. Therefore, this Brief is being timely filed. Our firm check for the fee for filing this Appeal Brief in the amount of \$155 as set forth in 37 C.F.R. §1.17(f) is enclosed.

Appellants hereby request an oral hearing with the Board regarding the appeal. Our firm check for the fee of \$135 for an oral hearing is included herewith.

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REAL PARTY IN INTEREST

GlobalSpec, Inc., the assignee of all the inventors' rights in this patent application, is the real party in interest. Please note that GlobalSpec.com, Inc. recently changed its name to delete the ".com." A copy of the official documentation, which will be separately recorded, is enclosed herewith.

RELATED APPEALS AND INTERFERENCES

To the knowledge of Appellants, Appellants' undersigned legal representative, and the assignee, there are no appeals or interferences which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

STATUS OF CLAIMS

Claims 1-48 were originally presented in the subject application. No claims were canceled or added during prosecution. No claims have been allowed. Claims 1-48 remain rejected, and are the subject of this appeal.

STATUS OF AMENDMENTS

No amendments were filed in response to the final Office Action, only remarks. However, in an Advisory Action dated April 23, 2001, the Examiner entered and considered the remarks, but indicated that the remarks did not place any of the claims in condition for allowance.

SUMMARY OF INVENTION

The present invention comprises a method of performing a database search on a distributed computer system (10; FIG. 1; page 4, lines 12-21). The method comprises requesting from a first computer (20; FIG. 1) to a second computer (16; FIG. 1) remote from the first computer in the distributed computer system to search information (18; FIG. 1) of at least one entity. The method also comprises indicating from the first computer to a search agent (page 5,

lines 4-14) associated with the second computer at least one search criterion for the information of the at least one entity, and accessing by the search agent at least one database (14; FIG. 1) remote from the first computer and the second computer in the distributed computer system. The database(s) comprises information of a plurality of entities (page 4, lines 22-24) including the at least one entity, which comprises less than all of the plurality of entities. The method further comprises performing by the search agent a search based on the at least one search criterion on only the information of the at least one entity in the at least one database.

The invention further comprises systems and program products corresponding to the method described above.

ISSUES

1. The sole issue is whether claims 1-48 are properly rejected under 35 U.S.C. §102 as anticipated by Hogan et al. (U.S. Patent No. 5,778,368).

GROUPING OF CLAIMS

With respect to the issue on appeal recited above, Appellants believe each of the following claim sets to be separately patentable over the prior art cited in the §102 rejection thereof:

Claim 1 (claims 2, 3, 6, 9-11, 13, 14, 17-20, 23, 26-28, 30, 31, 34-36, 39, 42-44, 47 and 48 stand or fall with claim 1);

Claim 4 (claims 21 and 37 stand or fall with claim 4);

Claim 5 (claims 22 and 38 stand or fall with claim 5);

Claim 7 (claims 24 and 40 stand or fall with claim 7);

Claim 8 (claims 25 and 41 stand or fall with claim 8);

Claim 12 (claims 29 and 45 stand or fall with claim 12);

Claim 15 (claim 32 stands or falls with claim 15); and

Claim 16 (claims 33 and 46 stand or fall with claim 16).

ARGUMENT

Anticipation

The final Office Action rejected claims 1-48 under 35 U.S.C. §102 as allegedly anticipated by Hogan et al.

Hogan et al. teaches a repository system for embedded software (i.e., software found in such things as computer electronics and automobiles) that allows for search and reuse thereof by engineers.

In contrast, claim 1 recites a method of performing a database search on a distributed computer system. The method comprises requesting from a first computer to a second computer remote from the first computer in the distributed computer system to search information of at least one entity, indicating from the first computer to a search agent associated with the second computer at least one search criterion for the information of the at least one entity, and accessing by the search agent at least one database remote from the first computer and the second computer in the distributed computer system. The at least one database comprises information of a plurality of entities including the at least one entity, and the at least one entity comprises less than all of the plurality of entities. The method further comprises performing by the search agent a search based on the at least one search criterion on only the information of the at least one entity in the at least one database.

As best Appellants can understand, based on the cited sections of Hogan et al., the final Office Action reads the first computer in claim 1 on the Hogan et al. repository client, the second computer in claim 1 on the Hogan et al. repository server, the at least one entity of claim 1 on the Hogan et al. repository database, and the search agent of claim 1 on the Hogan et al. search

template. Further, it appears that the final Office Action reads the at least one database of claim 1 on the Hogan et al. repository database. Assuming that to be the case, both the at least one entity and the at least one database of claim 1 are read on the Hogan et al. repository database.

Reading both the at least one entity and the at least one database of claim 1 on the Hogan et al. repository database results in several shortcomings. First, doing so renders the performing step of claim 1 meaningless. Second, it would also render both wherein clauses in the accessing step of claim 1 meaningless. Third, although Appellants could find no overt statement to this effect, Hogan et al. appears to house the repository database within the repository servers. See, e.g., column 11, lines 55-60 of Hogan et al. using "Repository Servers" and "Repository database" interchangeably. However, the accessing step of claim 1 recites that the at least one database is remote from both the first and second computers.

The conclusion one reaches after a careful comparison of claim 1 with Hogan et al., as above, is that claim 1 cannot logically be read on Hogan et al. where the Hogan et al. repository database is cited as both the at least one entity and the at least one database of claim 1. As set forth in the specification, the "entity" is intended to be just that; in one example given in the specification, the entity is a business (see specification page 7, line 23 et seq.). The entity was never intended to be a database, which is borne out by the incompatibilities resulting from an attempt to read the entity on a database.

The only other application of Hogan et al. Appellants can conceive of as being the intent of the final Office Action is similar to that given above, except that instead of reading the at least one entity of claim 1 on the Hogan et al. repository database, the at least one entity of claim 1 is read on the Hogan et al. repository unit (i.e., a particular piece of embedded software).

If the at least one entity of claim 1 is read on the repository unit of Hogan et al., other equally troublesome incompatibilities result. First, the performing step of claim 1 recites searching on only the information of the at least one entity in the at least one database. Hogan et

al. teaches searching the database generally for repository units satisfying search criteria. Although it seems obvious that Hogan et al. does not restrict the search to a portion of the repository database dedicated to a particular repository unit, that is exactly what would be required in the context of claim 1 if the final Office Action argument were taken to its logical end. This makes even more clear why it simply does not make sense to read the claim 1 entity on the database or any contents thereof.

Therefore, Appellants submit that claim 1 cannot be anticipated by Hogan et al.

Claim 4 recites that a search agent is transferred from the second computer to the first computer and runs at the first computer, and that a communication agent resides at the first computer. The communication agent performs the requesting and the indicating, and the search agent provides the results of the search to the communication agent. As disclosed in the present application at page 5, lines 7-14, one example of the transfer of a search agent takes the form of a JAVA™ applet.

The Hogan et al. search agent resides on the server (see column 11, lines 14-24 of Hogan et al.). The section of Hogan et al. cited in the final Office Action contains objects of the invention, and has no disclosure regarding a transfer of the search agent from the server to the client.

Therefore, Appellants submit that claim 4 cannot be anticipated by Hogan et al.

Claim 5 recites that the at least one database is stored at at least one third computer remote from the first computer and the second computer in the distributed computer system. In addition, claim 5 recites that the search agent resides at the at least one third computer.

The cited section of Hogan et al., column 11, lines 1-13, discloses that the repository system can have multiple repository clients accessing multiple repository servers. In addition, the repository clients can be located locally or at a distance. Further, the repository system utilizes

TCP/IP and Internet Web technology for communications between the various elements of the system.

Appellants submit that the cited section of Hogan et al. contains no disclosure regarding the database being separate from the repository server. In fact, if anything, Appellants submit that Hogan et al. discloses the repository database being housed within the repository server. See, for example, Hogan et al. at column 11, lines 55-60, in which "repository servers" is used interchangeably with "repository database."

Therefore, Appellants submit that claim 5 cannot be anticipated by Hogan et al.

Claim 7 recites that the search agent is transferred from the second computer to the first computer and runs at the first computer.

Against claim 7, the final Office Action cites to the same section of Hogan et al. as for claim 5. Appellants submit that there is nothing in the cited section of Hogan et al., nor in Hogan et al. generally, regarding transferring a search agent from one computer to another. In fact, as set forth in column 11, lines 14-24 of Hogan et al., the search agent resides on the server.

Therefore, Appellants submit that claim 7 cannot be anticipated by Hogan et al.

Claim 8 recites that the first computer is associated with a buyer, the second computer is associated with a seller, the at least one entity comprises the seller, and the information comprises product and/or service information of the seller.

Against claim 8, the final Office Action cites to Hogan et al. at column 5, line 58 to column 6, line 26. That section discloses the system supporting real-time embedded software utilizing real-time operating systems. The section further discloses providing platform-independent access to the repository databases. The cited section further discloses allowing annotations for repository units such that they are meaningful to those with varying programming skills (e.g., marketing, accounting, etc.).

However, there is nothing in the cited section regarding a seller and a buyer, or that the information in the database is anything other than the repository units themselves (perhaps annotated), whereas claim 8 recites product and/or service information of the seller, and not the products/services themselves.

Therefore, Appellants submit that claim 8 cannot be anticipated by Hogan et al.

Claim 12 recites that the second computer provides access to a Web site of the at least one entity having a particular format. Claim 12 further recites providing results of the search to the second computer in a format compatible with the particular format, enabling the second computer to provide a consistent experience on the Web site to a user of the first computer.

Against claim 12, the final Office Action cites to several sections of Hogan et al., one section emphasizing platform-independent access to the repository servers from the repository clients, meaning that the clients can be running any number of operating systems, since the access is via a browser. However, claim 12 is directed to something quite different. The "format" of claim 12 refers to the look and feel of the Web site. See the present application at page 9, lines 5-6.

Therefore, Appellants submit that claim 12 cannot be anticipated by Hogan et al.

Claim 15 recites that the at least one database is maintained by the at least one entity.

Against claim 15, the final Office Action cites to Hogan et al. at column 11, lines 1-13.

The cited section of Hogan et al., column 11, lines 1-13, discloses that the repository system can have multiple repository clients accessing multiple repository servers. In addition, the repository clients can be located locally or at a distance. Further, the repository system utilizes TCP/IP and Internet Web technology for communications between various elements of the system.

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Appellants submit that there is no disclosure in the cited section of Hogan et al. regarding maintenance of the repository database, let alone maintenance by the at least one entity. Moreover, it would make no sense that the repository database be maintained by the database itself or a repository unit therein.

Therefore, Appellants submit that claim 15 cannot be anticipated by Hogan et al.

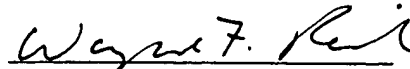
Claim 16 recites that the at least one search criterion comprises a null criterion such that the search returns all information of the at least one entity in the at least one database.

Against claim 16, the final Office Action cites to Hogan et al. at column 4, lines 20-34. However, even a cursory review of the cited section of Hogan et al. reveals no mention of a null criterion used for searching. As set forth in the present application at page 8, lines 8-10, the null criterion is simply the empty set, which returns all results.

Therefore, Appellants submit that claim 16 cannot be anticipated by Hogan et al.

CONCLUSION

In conclusion, Appellants submit that Hogan et al. fails to disclose, teach or suggest any of claims 1-48, and thus cannot anticipate those claims or make them obvious. Therefore, Appellants submit that the final Office Action should be reversed in all respects.



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APPENDIX

1. (Amended) A method of performing a database search on a distributed computer system, comprising:

requesting from a first computer to a second computer remote from the first computer in the distributed computer system to search information of at least one entity;

indicating from the first computer to a search agent associated with the second computer at least one search criterion for the information of the at least one entity;

accessing by the search agent at least one database remote from the first computer and the second computer in the distributed computer system, wherein the at least one database comprises information of a plurality of entities including the at least one entity, and wherein the at least one entity comprises less than all of the plurality of entities; and

performing by the search agent a search based on the at least one search criterion on only the information of the at least one entity in the at least one database.

2. The method of claim 1, further comprising providing results of the search to the search agent.

3. The method of claim 2, wherein the search agent provides the results of the search to the first computer.

4. The method of claim 3, wherein the search agent is transferred from the second computer to the first computer and runs at the first computer, wherein a communication agent also resides at the first computer, the communication agent performing the requesting and the indicating, and wherein the search agent provides the results of the search to the communication agent.

5. The method of claim 1, wherein the at least one database is stored at at least one third computer remote from the first computer and the second computer in the distributed computer system, and wherein the search agent resides at the at least one third computer.

6. The method of claim 1, wherein the search agent resides at the second computer.

7. The method of claim 1, wherein the search agent is transferred from the second computer to the first computer and runs at the first computer.

8. The method of claim 1, wherein the first computer is associated with a buyer, wherein the second computer is associated with a seller, wherein the at least one entity comprises the seller, and wherein the information comprises product and/or service information of the seller.

9. The method of claim 1, wherein the indicating comprises submitting an electronic search form from the first computer to the search agent.

10. The method of claim 1, wherein the distributed computer system comprises a global computer network.

11. The method of claim 10, wherein the global computer network comprises the World Wide Web portion of the Internet.

12. The method of claim 11, wherein the second computer provides access to a Web site of the at least one entity having a particular format, the method further comprising providing results of the search to the second computer in a format compatible with the particular format, enabling the second computer to provide a consistent experience on the Web site to a user of the first computer.

13. The method of claim 1, wherein the at least one database is created by one other than the at least one entity.

14. The method of claim 1, wherein the at least one database is maintained by one other than the at least one entity.

15. The method of claim 1, wherein the at least one database is maintained by the at least one entity.

16. The method of claim 1, wherein the at least one search criterion comprises a null criterion such that the search returns all information of the at least one entity in the at least one database.

17. A system for performing a database search on a distributed computer system, comprising:

a first computer;

a second computer coupled to and remote from the first computer;

at least one database coupled to the second computer and remote from the first computer and the second computer, wherein the at least one database comprises information of a plurality of entities;

means for requesting from the first computer to the second computer to search information of at least one entity in the plurality of entities, wherein the at least one entity comprises less than all of the plurality of entities;

a search agent associated with the second computer for performing a search on only the information of the at least one entity in the at least one database;

means for indicating from the first computer to the search agent at least one search criterion for the search; and

means for accessing by the search agent the at least one database.

18. The system of claim 17, further comprising means for providing results of the search to the search agent.

19. The system of claim 18, further comprising means for providing the results of the search from the search agent to the first computer.

20. The system of claim 19, wherein the means for requesting and the means for indicating comprise a communication agent residing at the first computer.

21. The system of claim 20, wherein the search agent is transferred from the second computer to the first computer and runs at the first computer, the system further comprising means for providing the results of the search to the communication agent.

22. The system of claim 17, further comprising at least one third computer coupled to the second computer and remote from the first computer and the second computer and storing the at least one database, wherein the search agent resides at the at least one third computer.

23. The system of claim 17, wherein the search agent resides at the second computer.

24. The system of claim 17, wherein the search agent is transferred from the second computer to the first computer and runs at the first computer.

25. The system of claim 17, wherein the first computer is associated with a buyer, wherein the second computer is associated with a seller, wherein the at least one entity comprises the seller, and wherein the information comprises product and/or service information of the seller.

26. The system of claim 17, wherein the means for indicating comprises means for submitting an electronic search form from the first computer to the search agent.

27. The system of claim 17, wherein the distributed computer system comprises a global computer network.

28. The system of claim 27, wherein the global computer network comprises the World Wide Web portion of the Internet.

29. The system of claim 28, wherein the second computer provides access to a Web site of the at least one entity having a particular format, the system further comprising means for providing results of the search to the second computer in a format compatible with the particular format, enabling the second computer to provide a consistent experience on the Web site to a user of the first computer.

30. The system of claim 17, wherein the at least one database is created by one other than the at least one entity.

31. The system of claim 17, wherein the at least one database is maintained by one other than the at least one entity.

32. The system of claim 17, wherein the at least one database is maintained by the at least one entity.

33. The system of claim 17, wherein the at least one search criterion comprises a null criterion such that the search returns all information of the entity in the at least one database.

34. An article of manufacture, comprising:

at least one computer usable medium having computer readable program code means embodied therein for performing a database search on a distributed computer system, comprising:

computer readable program code means for causing a first computer to request to a second computer remote from the first computer in the distributed computer system to search information of at least one entity;

computer readable program code means for causing the first computer to indicate to a search agent associated with the second computer at least one search criterion for the information of the at least one entity;

computer readable program code means for causing the search agent to access at least one database remote from the first computer and the second computer in the distributed computer system, wherein the at least one database comprises information of a plurality of entities including the at least one entity, and wherein the at least one entity comprises less than all of the plurality of entities; and

computer readable program code means for causing a search to be performed by the search agent based on the at least one search criterion on only the information of the at least one entity in the at least one database.

35. The article of manufacture of claim 34, further comprising computer readable program code means for causing results of the search to be provided to the search agent.

36. The article of manufacture of claim 35, wherein the computer readable program code means for causing results of the search to be provided to the search agent comprises computer readable program code means for causing the search agent to provide the results of the search to the first computer.

37. The article of manufacture of claim 36, wherein the computer readable program code means for causing the first computer to request and the computer readable program code means for causing the first computer to indicate comprise a communication agent, the article of manufacture further comprising:

computer readable program code means for causing the second computer to transfer the search agent to the first computer for running on the first computer; and

computer readable program code means for causing the search agent to provide the results of the search to the communication agent.

38. The article of manufacture of claim 34, wherein the computer readable program code means for causing a search to be performed by the search agent comprises computer readable program code means for causing the search to be performed by the search agent residing at at least one third computer storing the at least one database and remote from the first computer and the second computer in the distributed computer system.

39. The article of manufacture of claim 34, wherein the computer readable program code means for causing the search agent to access the at least one database comprises computer readable program code means for causing the search agent to access the at least one database from its residence at the second computer.

40. The article of manufacture of claim 34, further comprising computer readable program code means for causing the search agent to be transferred from the second computer to the first computer for running at the first computer.

41. The article of manufacture of claim 34, wherein the first computer is associated with a buyer, wherein the second computer is associated with a seller, wherein the at least one entity comprises the seller, and wherein the information comprises product and/or service information of the seller.

42. The article of manufacture of claim 34, wherein the computer readable program code means for causing the first computer to indicate to the search agent comprises computer readable program code means for causing the first computer to submit an electronic search form to the search agent.

43. The article of manufacture of claim 34, wherein the at least one computer usable medium comprises at least one computer usable medium having computer readable program code means embodied therein for performing a database search on a global computer network.

44. The article of manufacture of claim 43, wherein the at least one computer usable medium comprises at least one computer usable medium having computer readable program code means embodied therein for performing a database search on the World Wide Web portion of the Internet.

45. The article of manufacture of claim 44, wherein the second computer provides access to a Web site of the at least one entity having a particular format, the article of manufacture further comprising computer readable program code means for causing results of the search to be provided to the second computer in a format compatible with the particular format, thereby enabling the second computer to provide a consistent experience on the Web site to a user of the first computer.

46. The article of manufacture of claim 34, wherein the at least one search criterion comprises a null criterion such that the search returns all information of the at least one entity in the at least one database.

47. A system for performing a database search on a distributed computer system, comprising:

a first entity adapted to request from a first computer to a second computer remote from the first computer in the distributed computer system to search information of at least one entity;

a second entity adapted to indicate from the first computer to a search agent associated with the second computer at least one search criterion for the information of the at least one entity;

a third entity adapted to access by the search agent at least one database remote from the first computer and the second computer in the distributed computer system, wherein the at least one database comprises information of a plurality of entities including the at least one entity, and wherein the at least one entity comprises less than all of the plurality of entities; and

a fourth entity adapted to perform by the search agent a search based on the at least one search criterion on only the information of the at least one entity in the at least one database.

48. At least one program storage device readable by a machine, tangibly embodying at least one program of instructions executable by the machine to perform a method of performing a database search on a distributed computer system, comprising:

requesting, by a first agent of the distributed computer system, to search information of at least one entity;

indicating, by a second agent of the distributed computer system, at least one search criterion for the information of the at least one entity;

accessing, by a third agent of the distributed computer system, at least one database remote from the first agent and the second agent in the distributed computer system, the at least one database comprising information of a plurality of entities including the at least one entity, the at least one entity comprising less than all of the plurality of the entities; and

performing, by a fourth agent of the distributed computer system, a search based on the at least one search criterion on only the information of the at least one entity in the at least one database.